



# ARIZONA HOUSE OF REPRESENTATIVES

## HCR 2002: repeal 1998 proposition 105

**PRIME SPONSOR:** Representative Ugenti-Rita, LD 23

**BILL STATUS:** [Caucus and COW](#)

GOV: DP (8-0-0-0)

**Legend:**

SOS – Secretary of State

Amendments – **BOLD** and ~~Stricken~~ (Committee)

### Abstract

Relating to the repeal of Legislative Proposition 105 requirements.

### Provisions

1. Permits the Legislature to repeal an initiative or referendum. (Sec. 1)
2. Removes the requirement that the Legislature further the purpose of an initiative or referendum and pass the measure by a  $\frac{3}{4}$  vote in order to:
  - a. Amend an initiative or referendum;
  - b. Appropriate or divert funds created or allocated to a specific purpose by an initiative or referendum; or
  - c. Supersede, in whole or in part, an initiative or referendum. (Sec. 1)
3. Requires the SOS to submit this proposition to the voters at the next general election. (Sec. 2)
4. Makes technical and conforming changes. (Sec. 1)

### Current Law

The Arizona State Constitution permits 10% of the qualified electors to propose any measure and 15% of the qualified electors to propose any amendment to the Constitution. These petitions are known as initiative petitions and are required to be filed with the SOS at least four months before the election. Additionally, the Legislature or 5% of the qualified electors may call an election of any measure enacted by the Legislature. These petitions are known as referendum petitions, and must be filed with the SOS within 90 days of the final adjournment of the Legislative Session ([Article IV, Section 1, Part 1 of the Arizona State Constitution](#)).

### Additional Information

In the 1998 general election, the voters approved [Proposition 105](#), which prohibits the Governor from vetoing any initiative or referendum and prohibits the Legislature from:

1. Repealing any initiative or referendum; and
2. Amending, appropriating or diverting funds or superseding any initiative or referendum without furthering the purpose of the initiative or referendum and approving the measure by a  $\frac{3}{4}$  vote in both Legislative Chambers.

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note